



DOCKET NO. 3033.1002-001

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

In re Application of: Darrell H. Carney, Roger S. Crowther, David J. Simmons, Jinping Yang and William R. Redin

Application No. 09/909,122

Filed: July 19, 2001

Confirmation No.: 1024

For: STIMULATION OF BONE GROWTH WITH THROMBIN PEPTIDE DERIVATIVES

The owner, The Board of Regents, The University of Texas System of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term (defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/050,692, filed on January 16, 2002) of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Authorization is hereby granted to charge the terminal disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. 08-0380. A copy of this authorization is enclosed for accounting purposes.

The undersigned is an attorney or agent of record.

August 9 2004
Date

Steven G. Davis
Steven G. Davis
Registration No. 39,652
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

08/11/2004 SSITHIB1 00000097 080380 09909122

01 FC:1814 110.00 DA